REMARKS

The present submission is submitted in response to Office Action dated March 14, 2005 in which Claims 1 and 2 are pending. The Examiner has rejected Claim 1 under 35 U.S.C. §103(a) as being allegedly unpatentable over Figure 4 of the Applicant's invention in view of U.S. Patent No. 6,722,245 issued to Yasoda. The Examiner has further rejected Claim 2 under 35 U.S.C. §103(a) as being allegedly unpatentable over Figure 4 in view of Yasoda, and further in view of U.S. Patent No. 4,977,804 issued to Naito. Claim 1 has been amended in a non-narrowing manner to better clarify that which the Applicant regards as the invention. The rejections of the Claims are traversed for at least the reasons presented herein. It is respectfully submitted that the instant application is in condition for allowance. No new matter has been entered.

Claim Rejections - 35 USC § 103

Claim 1 has been rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Figure 4 of the Application in view of U.S. Patent No. 6,722,245 issued to Yasoda. In the instant action, the Examiner concedes that Applicant's Figure 4 lacks specific teaching of a linear motor (Office Action dated March 14, 2005; page 3) but contends that the use of an electric motor such as a linear motor as taught by Yasoda would have been an obvious modification with respect to Applicant's Claim 1. The Applicant respectfully disagrees.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was

made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Claim 1, as amended, recites a molding apparatus, comprising:

"a linear motor reciprocating linearly and controlling a linear position of the die; and

a linear joint block laterally aligned with the die and connecting the die to the linear motor, the linear joint block transmitting the linear reciprocation of the linear motor to the die."

Thus, the linear motor and its configuration as recited in Claim 1, controls a linear positioning of the die within the molding apparatus. The lateral disposition of the linear motor with respect to both the linear joint block and the die provides the linear motor with the ability to control a lateral movement of the die.

By contrast, Yasoda teaches a punching unit apparatus that utilizes an electric motor to perform the driving functions relating to the pressing and release of the punching elements. "[S]ince an electric motor (such as a servo motor, a linear motor and a stepping motor or the like) is applied as a striking driving source, an isokinetic punching always kept constant as well as the most-suitable punching process coinciding with a desired punching speed corresponding to a hardness of the workpiece" (col. 5, line 63-col. 6, line 1). As described by Yasoda, the electric motor, as configured and applied, is used as a driving force for the punching function and not for the linear positioning of the die. The electric motor, as described by Yasoda, is used for providing a desired punching speed corresponding to a hardness of a workpiece. Moreover, Yasoda is devoid of teaching a method for controlling linear positioning of a workpiece. Accordingly, the specific nature and the function of the motor as taught by Yasoda would not cure the deficiencies of the prior art.

The Examiner further contends that "it would then be an expected result to one skilled in the art to have to include a linear joint block, when replacing the servo motor with a linear motor, in order for the motor to have proper communication with the die, due to the motor's method of function" (Office Action dated March 14, 2005, page. 3).

The Applicant respectfully disagrees. As indicated above, Yasoda is devoid of teaching any method for controlling a linear position of a workpiece. Further, Yasoda fails to disclose the nature and functioning of the linear motor as recited in Applicant's claim 1. Accordingly, because the electric motor of Yasoda, including its configuration and operation, fails to cure the deficiencies of the prior art, it would not have been obvious at the time of the invention to include a linear joint block. Because Yasoda fails to cure the deficiencies of the prior art, Applicant's Claim 1 patentably defines over Figure 4.

Claim 2 has been rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Figure 4 of the Application in view of Yasoda, and in further view of U.S. Patent No. 4,977,804 issued to Naito. Claim 2 depends from what should be an allowable Claim 1. For at least this reason, it is believed that Claim 2 is patentable over Figure 4, in view of Yasoda, and in further view of Naito. The Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection.

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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